

FIRST REGULAR SESSION

SENATE BILL NO. 384

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 17, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1752S.03I

AN ACT

To repeal section 327.272, RSMo, and to enact in lieu thereof two new sections relating to geographical information systems.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 327.272, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 60.670 and 327.272, to read as
3 follows:

60.670. 1. As used in this section, the following terms shall mean:

2 **(1) "Cadastral parcel mapping", an accurately delineated**
3 **identification of all real property parcels. The cadastral map is based**
4 **upon the PLSS. For cadastral parcel maps the position of the legal**
5 **framework is derived from the PLSS, existing tax maps, and tax**
6 **database legal descriptions, recorded deeds, recorded surveys, and**
7 **recorded subdivision plats.**

8 **(2) "GIS" or "geographical information system", encompasses the**
9 **concepts of automated mapping, graphic display and output, data**
10 **analysis, and data base management. A GIS is a system of hardware,**
11 **software, data, people, organizations, and institutional arrangements**
12 **for collecting, storing, analyzing, and disseminating information about**
13 **areas of the earth;**

14 **(3) "PLSS" or "public land survey system", a survey executed**
15 **under the authority of the United States government as recorded on the**
16 **official plats and field notes of the United States public land survey**
17 **maintained by the land survey program of the department of natural**
18 **resources;**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (4) "Tax map", a document or map for taxation purposes showing
20 the location, dimensions, and other relevant information pertaining to
21 a parcel of land subject to property taxes.

22 2. The office of the land surveyor established within the
23 department of natural resources shall promulgate rules and regulations
24 establishing minimum standards for GIS cadastral parcel mapping. Any
25 rule or portion of a rule, as that term is defined in section 536.010,
26 RSMo, that is created under the authority delegated in this section
27 shall become effective only if it complies with and is subject to all of
28 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
29 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
30 of the powers vested with the general assembly pursuant to chapter
31 536, RSMo, to review, to delay the effective date, or to disapprove and
32 annul a rule are subsequently held unconstitutional, then the grant of
33 rulemaking authority and any rule proposed or adopted after August
34 28, 2009, shall be invalid and void.

35 3. Any map designed and used to reflect legal property
36 descriptions or boundaries for use in a GIS system shall comply with
37 the rules promulgated under this section.

327.272. 1. A professional land surveyor shall include any person
2 who practices in Missouri as a professional land surveyor who uses the title of
3 "surveyor" alone or in combination with any other word or words including, but
4 not limited to "registered", "professional" or "land" indicating or implying that the
5 person is, or holds himself or herself out to be a professional land surveyor who
6 by word or words, letters, figures, degrees, titles or other descriptions indicates
7 or implies that the person is a professional land surveyor or is willing or able to
8 practice professional land surveying or who renders or offers to render, or holds
9 himself or herself out as willing or able to render, or perform any service or work,
10 the adequate performance of which involves the special knowledge and
11 application of the principles of **land surveying**, mathematics, the related
12 physical and applied sciences, and the relevant requirements of law, all of which
13 are acquired by education, training, experience and examination, that affect real
14 property rights on, under or above the land and which service or work involves:

15 (1) The **determination, location, relocation, establishment,**
16 **reestablishment, layout or retracing** of land boundaries **and positions of**
17 **the United States Public Land Survey System;**

18 (2) Monumentation of land boundaries, land boundary corners and corners
19 of the United States Public Land Survey System;

20 (3) The subdivision of land into smaller tracts;

21 (4) **Creating, preparing, or modifying electronic or computerized**
22 **data, including land information systems and geographic information**
23 **systems, relative to the performance of the activities in subdivisions (1)**
24 **to (3) of this subsection;**

25 (5) Consultation, investigation, evaluation, planning, design and
26 execution of surveys;

27 [(5)] (6) The preparation of any drawings showing the shape, location,
28 dimensions or area of tracts of land;

29 [(6)] (7) Monumentation of geodetic control and the determination of
30 their horizontal and vertical positions;

31 [(7)] (8) Establishment of state plane coordinates;

32 [(8)] (9) Topographic surveys and the determination of the horizontal and
33 vertical location of any physical features on, under or above the land;

34 [(9)] (10) The preparation of plats, maps or other drawings showing
35 elevations and the locations of improvements and the measurement and
36 preparation of drawings showing existing improvements after construction;

37 [(10)] (11) Layout of proposed improvements;

38 [(11)] (12) The determination of azimuths by astronomic observations.

39 2. None of the specific duties listed in subdivisions (4) to [(11)] (12) of
40 subsection 1 of this section are exclusive to professional land surveyors unless
41 they affect real property rights. For the purposes of this section, the term "real
42 property rights" means a recordable interest in real estate as it affects the
43 location of land boundary lines.

44 3. Nothing in this section shall be construed to preclude the practice of
45 architecture or professional engineering as provided in sections 327.091 and
46 327.181.

47 4. Nothing in this section shall be construed to prohibit the subdivision
48 of land pursuant to section 137.185, RSMo.

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